

REMARKS

Claims 1-4, 6-10, and 23-27 are pending. Claims 5 and 11-22 have been cancelled without prejudice or disclaimer.

I. Election/Restriction

As required by the Office Action, Applicants affirm the election of Group I, corresponding to claims 1-10. Accordingly, claims 11-22 have been cancelled. However, Applicants expressly reserve the right to file one or more divisional applications reciting the now-cancelled subject matter.

II. New Claims

New claims 23-27 are directed to previously unclaimed embodiments. Applicants respectfully present that because these new claims are “drawn to a vessel including a septum,” new claims 23-27 additionally correspond to Group I. These new claims are supported throughout the specification and Figures, for example at page 14, first full paragraph; page 13, second paragraph; and Figs. 16-18. No new matter has been entered.

III. 35 USC § 112

Claims 4 and 6 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, claims 4 and 6 have been amended to clarify the usage of Markush groups.

IV. 35 USC § 102

Claims 1-4, 6-8 and 10 stand rejected under 35 USC § 102(b) as allegedly being unpatentable over Rothman et al. (U.S. Patent No. 6,497,823). The Office Action asserts Rothman et al. expressly teaches each feature recited by the rejected claims. However, in light of the amendments and remarks, reconsideration is respectfully requested.

A. Claim 1

Applicants note the Office Action does not assert that (now cancelled) claim 5 is either anticipated by or unpatentable over Rothman et al. Thus, as claim 1 has been amended to recite the subject matter originally presented by claim 5, Applicants respectfully present that the rejection of claim 1 (and claims 2, 4 and 6-10 which depend therefrom) as being anticipated by Rothman et al. is now moot.

B. Claim 3

The Office Actions asserts Fig. 4 of Rothman et al. teaches “the filter floating or moving inside the housing.” While Rothman et al. teaches that the filter may be moveable within the interior volume of the container, in an embodiment “not shown” (column 5, line 4) such is accomplished by the filter being “neither attached nor secured in the container.” By contrast, the filter 1 shown in Fig. 4 of Rothman et al. is “secured to the inner surface of side 11 of container 10 at portions 20 and 21., and thus, being secured it is not possible nor is there disclosure, for filter 1 of Fig. 4 of Rothman et al. to be “relatively moveable with respect to said first and second ends,” while simultaneously being “attached to said flexible walls.”

VI. 35 USC § 103

Claims 1, 5 and 9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Shiino et al. (U.S. Patent No. 4,981,596. The Office Action asserts Shiino et al. teaches each feature of the claims, except for the second filter (identified as F in the reference) “as being provided inside the vessel.” However, such a feature, the Office Action continues, would have been an obvious modification since such a modification would not change the method of performance of the system of the reference without affecting the intended process.

However, the Office Action fails to identify where the references expressly teaches or suggests to include “an isolator film and a further septum, such that removal of said isolator film exposes said further septum.”

Additionally, it appears that the Office Action is using Applicants' own disclosure for the teaching that the second filter is contained within the vessel. Simply because a device can be modified in a particular manner does not necessarily mean that one of ordinary skill in the art would be motivated to make such a modification.


Reconsideration is therefore requested.

V. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

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